ASSEMBLY BILL   No. 256

Introduced by Assembly Member Huff

February 5, 2007

An act to amend Section 14526.5 of the Government Code, relating to transportation, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 256, as introduced, Huff. State highway operation and protection program.

Existing law requires the Department of Transportation, subject to approval by the California Transportation Commission, to prepare on an every-other-year basis a 4-year state highway operation and protection program, which identifies the expenditure of transportation funds for major capital improvements that are necessary to preserve and protect the state highway system. Other major capital improvements on the state highway system are subject to the project nomination and programming procedures for the state transportation improvement program.

Existing law creates the State Highway Account. Except as specifically provided, moneys in the State Highway Account are subject to appropriation by the Legislature.

This bill, for any fiscal year in which the Budget Bill has not been chaptered on or before July 1 of that fiscal year, would appropriate to the department, from funds in the State Highway Account that are subject to Article XIX of the California Constitution, the amount identified in the state highway operation and protection program for traffic safety projects to be advertised in that fiscal year. The bill would also provide that this appropriation would be superseded by the

appropriation for the program in the Budget Bill at the time the Budget Bill is chaptered.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1   SECTION 1. Section 14526.5 of the Government Code is
2 amended to read:
3   14526.5. (a) The department shall prepare a state highway
4 operation and protection program for the expenditure of
5 transportation funds for major capital improvements that are
6 necessary to preserve and protect the state highway system. Projects
7 included in the program shall be limited to capital improvements
8 relative to maintenance, safety, and rehabilitation of state highways
9 and bridges which do not add a new traffic lane to the system.
10   (b) The program shall include projects which are expected to
11 be advertised prior to July 1 of the year following submission of
12 the program, but which have not yet been funded. The program
13 shall include those projects for which construction is to begin
14 within four fiscal years, starting July 1 of the year following the
15 year the program is submitted.
16   (c) The program shall be submitted to the commission not later
17 than January 31 of each even-numbered year. Prior to submitting
18 the plan, the department shall make a draft of its proposed program
19 available to transportation planning agencies for review and
20 comment and shall include the comments in its submittal to the
21 commission.
22   (d) The commission may review the program relative to its
23 overall adequacy, level of annual funding needed to implement
24 the program, and the impact of those expenditures on the state
25 transportation improvement program. The commission shall
26 approve and submit the program to the Legislature and the
27 Governor not later than April 1 of each even-numbered year.
28   (e) Expenditures for these projects shall not be subject to
29 Sections 188 and 188.8 of the Streets and Highways Code.
30   *(f) Notwithstanding Section 182 of the Streets and Highways*
31 *Code or any other provision of law, for any fiscal year in which*
32 *the Budget Bill has not been chaptered on or before July 1 of that*
33 *fiscal year, there is hereby appropriated to the department, from*

1 *funds in the State Highway Account that are subject to Article XIX*
2 *of the California Constitution, the amount identified in the program*
3 *for traffic safety projects to be advertised in that fiscal year. At*
4 *the time that the Budget Bill for that fiscal year is chaptered, the*
5 *appropriation for the program in the Budget Bill shall supersede*
6 *the appropriation made pursuant to this subdivision.*

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